

Revisiting Critical Indigent Defense Needs in a Changing Justice Landscape

The Office of the Los Angeles County Public Defender (PD) is the largest public defender agency in the United States. For 110 years, the PD has been providing indigent criminal defense to Angelenos who cannot afford private counsel, promoting fairness and equal access to opportunities for reentry and rehabilitation. Similarly, the Office of the Alternate Public Defender (APD) provides legal representation for indigent clients in some of the most complex and serious cases. In order for public defenders to be effective advocates for their clients, it takes a significant amount of time, resources, and skill.

The attorneys and social workers at the PD and APD work tirelessly to provide the best legal representation possible. Part of their work includes ensuring that qualified clients are given the opportunity to participate in specialty mental health diversion programs. These programs, such as mental health housing through the Department of Health Services Office of Diversion and Reentry, the Rapid Diversion Program through the Justice Care and Opportunities Department, and the Misdemeanor and Felony Incompetent to Stand Trial programs (MIST/FIST), help minimize the detrimental impacts of lengthy incarceration on individuals who are in need of mental health treatment. Over the last few years, the LA County Board of Supervisors has greatly expanded these

MOTION

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programs across the County in an effort to get individuals the appropriate care and treatment that they need in a community setting.

Located in Downtown Los Angeles, Twin Towers Correctional Facility (TTCF) is one of Los Angeles County's seven jail facilities. It is also considered the largest de facto mental health facility in the country. TTCF houses acutely mentally ill patients who have been arrested and detained, yet who require more intensive mental health care than those housed at the County's other jail facilities. Over the years, the makeup of incarcerated people at TTCF has changed – today, they are more severely mentally ill and experience more debilitating mental health symptoms than they did just a few years ago. With the recognition that no one can get well in a cell, Los Angeles County's political and criminal justice stakeholders have expressed an urgency to divert people with severe mental illness out of jail and into appropriate, non-carceral, treatment settings. Public defenders at the PD and APD are integral to making this happen. They identify clients who may qualify for diversion and advocate for their participation in diversion programs at various stages of the criminal-legal process.

The criminal justice system is adversarial. Defense advocacy is essential to convincing judges and prosecutors that a person in the system is suitable for diversion, and that an appropriate treatment plan is available to allow for a safe transition from jail. Appropriate advocacy takes extensive case preparation, client contact and often multiple court dates. Without an adequate number of attorneys and social workers to advocate for their clients, too few people will be granted access to programs that can help them get out – and stay out – of jail.

The need for experienced public defenders and social workers at the PD and APD

is heightened by the upcoming November 5th election, during which voters will decide whether or not to adopt the statewide Proposition 36. This proposition has the potential to detrimentally impact the landscape of criminal justice reform and Los Angeles County's care first jails last initiative, as it is projected to lead to more people being incarcerated for longer stays in county jails. Additionally, the Los Angeles County District Attorney race could potentially lead to additional criminal case filings, harsher punishments for detained Angelenos, and a corresponding increase in the jail population. While it has always been essential to empower the PD and APD by increasing the number of attorneys and advocates who provide legal and supportive services for indigent clients, the current political climate necessitates immediate action to ensure that in this particular landscape, indigent defense is stronger than ever. When liberty interests are implicated, competent counsel is a fundamental constitutional guarantee that benefits all parties in the criminal justice system.

Los Angeles County has three budget phases: recommended budget, adopted budget, and supplemental budget. The PD and APD have requested additional Public Defender IV and/or Psychiatric Social Worker II positions, among other positions, at all three phases of the Fiscal Year 2024-2025 budget, but they were denied these positions at every opportunity. During the Recommended Budget hearing on April 23, 2024, Supervisor Janice Hahn verbally advocated for the Chief Executive Office (CEO) to prioritize the positions requested by the PD and APD in the upcoming budget phases, yet the Supplemental Budget shows that the CEO denied all of the positions requested. For years, the PD and APD have been advocating for more experienced high-level attorney and psychiatric social worker budgeted positions to help manage the more serious felony

cases, which newer attorneys are not experienced enough to handle.

With a growing population of severely mentally ill people in Los Angeles County jails, alongside the shifting criminal justice landscape that appears to be leaning towards more punishment-focused policy rather than rehabilitation and care, it is essential that the Los Angeles County public defense offices have sufficient resources to provide exceptional legal representation for their clients.

I, THEREFORE, MOVE that the Board of Supervisors direct the Chief Executive Officer to report back in writing at the Supplemental Budget Hearing on October 8, 2024, with a plan to meet the needs of the Office of the Los Angeles County Public Defender, and the Office of the Los Angeles County Alternate Public Defender, specifically regarding increasing the number of budgeted Public Defender IV and Psychiatric Social Worker II positions.

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